

For The Middle District of Alabama

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DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

CIVIL ACTION NO 3:06-CV-71-WHA

Darke Lamar Johnson
Petitioner

VS.

Unknown Kenneth Jones
et, al,

Respondents

Petitioner's Response
To Respondent's Answer

*Comes Now The Answer of the Petitioner "Darke Lamar Johnson"
And Files His "Petitioner's Response To Respondent's Answer"
And in support of same this Petitioner will show cause
On his Honor's Court the following to wit:*

*1. The Respondent's Answer in J.S. Answer dated
March 14, 2006, that the Petitioner's "Petition for writ
of Habeas Corpus" is barred by the "Statute of Limitations"
pursuant to "28 USC 2254, 28 USC 2244(d)(1)(A)"*

*2. The Petitioner contends that he has raised a valid
jurisdictional claim, because his Proseutman, as such
The Eleventh Circuit Court of Appeals has held that*

Discretionary Claims are not barred by the
 STATE of Limitations Harris v. U.S., 149 F.3d
 1138 (D.C. 2000).

3. The Petitioner contends that this Honorable
 Court is bound by the decision of the majority
 holding in the Authority of Harris v. U.S. signed
wherefore premises considered, Petitioner moves this
 Honorable Court to Adjudicate the merits of the
 Petitioner's Discretionary claim.

Done this the 21st Day of March 2006

Respectfully Submitted

Jodie Johnson

Dakia Lamar Johnson

AFSA 159385

William E. Dantlban Counsel for the 1st
 160 Alamin Lane
 Bessemer, AL 35893-7299

~~Certified Service~~

I hereby Certify That I have served a copy
of the Above and foregoing upon the following by
placing a copy in the United States MAIL Postage
Paid and properly addressed on the ~~21st~~ day of
March 2006 As follows

cc: Honorable Yvonne A. H. Saxon
Office of the Attorney General
Alabama State House
11 South Main Street
Montgomery, Alabama 36130-0152

Respectfully Submitted

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